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AUG 1 0 2004



Docket No. 293.00010102

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Emery et al.	)	Group Art Unit:	1654			
Serial No.: Confirmation	10/749,602 No.: 8548	) )	Examiner:	Patricia A. Leith			
Filed:	December 31, 2003	)	,				
For:	IN <u>OVO DELIVERY OF AN IMMUNOGEN CONTAINING I</u> MPLANT						
FACSIMILE TRANSMISSION TO THE PTO							
Commissioner for Patents Mail Stop Missing Parts P.O. Box 1450 Alexandria, VA 22313-1450		41 - Y	FAX NUMBER:(703) 872-9306  Total Pages (including cover page):8  Time:9:0\( \) (Central Time)  (Transmission must be complete by midnight eastern time.)				
The following papers are being transmitted to the Patent and Trademark Office by facsimile transmission:							
X	Response to Notice of Incomplete Reply (Nonprovisional) - (2 pgs); copy of an executed Combined Declaration and Power of Attorney (4 pgs); and copy of the Notice of Incomplete Reply (Nonprovisional) - (1 pg).						
Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 13-4895.							
Date Date	2004	By: David Reg. N	ng, Raasch & Gebhardt ner Number: 26813 L. Provence Io. 43,022 Dial (612)305-1005	ener			
CERTIFICATE UNDER 37 C.F.R. §1.8: The undersigned hereby certifies that this Facsimile Cover Sheet and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office addressed to the Commissioner for Patents, Mail Stop Missing Parts, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10 day of AUGUST, 2004, at 9:00 (Central Time).							
Date J	2007	Signatu	ure: 0 ( Pa	vener			
Name:							

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For:	IN OVO DELIVERY OF	) AN IMN	MUNOGEN CONTAIN	NING IMPLANT

### RESPONSE TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Mail Stop Missing Parts Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the "Notice of Incomplete Reply (Nonprovisional)," mailed August 4, 2004, enclosed is a copy of an executed Combined Declaration and Power of Attorney by the named inventors. It is believed that no fee is due as Applicants have already paid the missing parts surcharge with the response filed on June 25, 2004. However, if a fee is due, please charge it to PTO Deposit Account No. 13-4895.

Response to Notice of Incomplete Reply (Nonprovisional)

Page 2 of 2

Applicant(s): Emery et al. Serial No.: 10/749,602 Confirmation No.: 8548 Filed: December 31, 2003

For: IN OVO DELIVERY OF AN IMMUNOGEN CONTAINING IMPLANT

The application should now be in condition for examination. Please direct any inquiries to the undersigned attorney.

#### CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10 day of AUGUST, 2004, at 9.05 (Central

Name Paris Paris

Time)

Respectfully submitted for

Emery et al.
By
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A-4 10 2004 Date

David L. Provence Reg. No. 43,022

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FILING OR 371 (c) DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

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12/31/2003

Daryll A. Emery

293.00010102

26813 MUETING, RAASCH & GEBHARDT, P.A. P.O. BOX 581415 MINNEAPOLIS, MN 55458 CONFIRMATION NO. 8548
FORMALITIES LETTER
\*OC00000013436708\*

Date Mailed: 08/04/2004

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

#### Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 06/25/2004 to the Notice to File Missing Parts (Notice) mailed 04/30/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The oath or declaration is unsigned.

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A copy of this notice MUST be returned with the reply.

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE